

IC 3-11.7

ARTICLE 11.7. PROVISIONAL VOTING

IC 3-11.7-1

Chapter 1. Application and General Provisions

IC 3-11.7-1-1

Application to elections held after December 31, 2003

Sec. 1. This article applies to all elections held after December 31, 2003.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-1-2

Form of provisional ballot

Sec. 2. (a) Except as provided in subsection (b), a provisional ballot must have the same form as an absentee ballot for:

- (1) the election for which the ballot is cast; and
- (2) the precinct in which the ballot is cast.

(b) A provisional ballot must indicate that the ballot is a provisional ballot and not an absentee ballot.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-1-3

Procedures relating to provisional ballots

Sec. 3. Except as otherwise provided in this article, the procedures described in this title for paper ballots apply to provisional ballots.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-1-4

Clerk to estimate number of provisional ballots required for an election

Sec. 4. Each circuit court clerk shall:

- (1) not less than sixty (60) days before the date on which a general, primary, or municipal election is held; or
- (2) not more than three (3) days after the date on which a special election is ordered;

estimate the number of provisional ballots that will be required in the county for the election.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-1-5 Version a

Election division to prepare provisional ballots for federal and state offices and statewide public questions

Note: This version of section effective until 12-1-2004. See also following repeal of this section, effective 12-1-2004.

Sec. 5. (a) Provisional ballots for:

- (1) Electors for President and Vice President of the United States;
- (2) United States Senator;
- (3) United States Representative;

(4) all state offices; and

(5) the ratification or rejection of a public question to be voted for by the electorate of the entire state or for the retention of a judge of the Indiana supreme court or the Indiana court of appeals;

shall be prepared and printed under the direction of the election division.

(b) The election division shall have the ballots printed upon certification of the political party tickets, independent candidates, and public questions.

(c) Except as provided in subsection (e), ballots prepared under this section must provide space for the provisional voter to cast a write-in ballot for each office.

(d) The provisional ballots that are prepared and printed under this section shall be delivered to the circuit court clerk or the clerk's authorized deputy not later than forty-five (45) days before a general election or twenty-nine (29) days before a special election. The provisional ballots shall be delivered in the same manner that other official ballots are delivered.

(e) Space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

(f) This subsection applies to the printing of provisional ballots for a general election in which the names of the nominees for President and Vice President of the United States are to be printed on the ballot. The provisional ballots that are prepared and printed under this section must be delivered to the circuit court clerk or the clerk's authorized deputy not later than thirty-eight (38) days before the general election.

As added by P.L.126-2002, SEC.87. Amended by P.L.209-2003, SEC.170; P.L.14-2004, SEC.149.

IC 3-11.7-1-5 Version b

Repealed

Note: This repeal of section effective 12-1-2004. See also preceding version of this section, effective until 12-1-2004.

(Repealed by P.L.14-2004, SEC.196.)

IC 3-11.7-1-6

Provisional ballots prepared by county election board

Sec. 6. (a) All provisional ballots shall be prepared and printed under the direction of each county election board.

(b) After completing the estimate required by section 4 of this chapter, the county election board shall immediately prepare the ballots and have the ballots printed.

(c) Except as provided in subsection (e), ballots prepared by the county election board under this section must provide space for the voter to cast a write-in ballot.

(d) The provisional ballots that are prepared and printed under

this section shall be delivered to the circuit court clerk not later than:

- (1) forty-five (45) days before a general, primary, or municipal election; or
- (2) thirty-two (32) days before a special election.

(e) Space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

(f) This subsection applies to the printing of provisional ballots for a general election in which the names of the nominees for President and Vice President of the United States are to be printed on the ballot. The provisional ballots that are prepared and printed under this section must be delivered to the circuit court clerk or the clerk's authorized deputy not later than thirty-eight (38) days before the general election.

As added by P.L.126-2002, SEC.87. Amended by P.L.14-2004, SEC.150.

IC 3-11.7-1-7

Clerk's signature and seal on provisional ballots

Sec. 7. Each provisional ballot must be signed by the circuit court clerk or an individual authorized by the circuit court clerk and have the circuit court clerk's seal affixed.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-1-8

Provisional ballot envelopes

Sec. 8. The county election board shall provide to each precinct election board envelopes marked "Provisional Ballot" in which a provisional voter places the voter's provisional ballot.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-1-9

Marking provisional ballot packages

Sec. 9. Each package of provisional ballots delivered to a circuit court clerk shall be plainly marked on an appropriate attached label with the words: "This package contains _____ (giving number of ballots) provisional ballots.". The clerk shall securely keep all ballots in the clerk's office and shall distribute them to applicants as provided in this article.

As added by P.L.126-2002, SEC.87.